IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN
CHAMBER SUMMONS NO.1506 OF 2003
IN
SUIT NO.4725 OF 2000

Nirlon Ltd. ..Plaintiffs

Vs.

Municipal Corporation &
Greater Bombay & Ors. ..Defendants

Ms.J.Ghag i/b Thakore Zariwala & Associates for the plaintiffs

Mr.K.N.Gaikwad for the defendants

CORAM: S.U.KAMDAR, J
DATE : 7th MARCH 2005

P.C.:

1. The present Chamber Summons is taken out for amending the plaint by incorporating the relief of refund of the amount paid of Rs. 7,51,311/-.

2. In the present suit, the plaintiff have challenged certain notices issued for payment of water charges and applied for interim orders. However, since interim orders were rejected necessary payments have been made by the plaintiff and refund is sought by incorporating the amendment in the pending suit.

3. The learned counsel for the defendants however objected to the said proposed amendment on the ground that they have succeeded at the interim stage, thus there is no question of refund of the said amount to the plaintiffs herein. According to him, therefore, the present amendment ought not to be granted.

4. I am of the opinion that the interim orders are always subject to the final disposal of the suit as they are passed as interlocutory orders and cannot influence the final outcome of the suit. In an event if the plaintiff succeeds in the challenge to the said notices and even if they have paid the amount by virtue of refusing to grant interim orders the plaintiff would be entitled to reimbursement thereto. In view thereof I allow the Chamber Summons, However, there shall be no order as to costs.